

EXHIBIT F

Mueller, Gregory

Volume 1 - 08/21/2019

Summary Proceeding with Highlighted Clips

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CONFIDENTIAL

P counter-counters
(Runtime - 00h:02m:58s)

Defense Counters
(Runtime - 00h:26m:01s)

Plaintiffs Designation
(Runtime - 00h:04m:08s)

Defense Objections (Runtime
- 00h:00m:48s)

Plaintiffs Objections
(Runtime - 00h:06m:54s)

Page 00008

02: THE VIDEOGRAPHER: We're on the
03: record. Today's date is August 21st, 2019.
04: The time is now 1:46 p.m.
05: This is the deposition of Greg
06: Mueller in regards to the Pacific Fertility
07: Center Litigation. We are located at
08: 1330 Jersey Avenue South, Minneapolis,
09: Minnesota.

Plaintiffs Objections 402 relevance; 403 waste of time:

10: The videographer's name is
11: David Jenkins appearing on behalf of
12: Depo International. The court reporter's
13: name is Amy Larson, also appearing on behalf
14: of Depo International.
15: Will counsel please introduce
16: themselves and their affiliations, including
17: those on the phone.

Page 00010

Plaintiffs Objections 402 relevance; 403 waste of time:

05: Q. And so just a couple of quick things to
06: start, Mr. Mueller. The first is, can I --
07: well, have you had a deposition taken before?
08: A. No.
09: Q. Okay. This is your first deposition
10: experience?
11: A. Yes.

Page 00011

13: Do you understand that you are here
14: today speaking on behalf of Extron, not
15: necessarily yourself?
16: A. Yes.

17: Q. Okay. Do you currently work at Extron?
18: A. Yes.
19: Q. Okay. What is your position there?
20: A. I am a design engineer.
21: Q. Okay. How long have you worked at Extron?
22: A. I've worked at Extron since 2007.
23: Q. Okay. And have you been a design -- design
24: engineer at Extron since then?
25: A. No.

(continued page 00012)

0012

01: Q. Where -- what did you start doing at Extron?
02: A. I started as a part-time intern helping in
03: the engineering department.
04: Q. Okay.
05: A. And then, I suppose, my position is more
06: described as an engineering technician,
07: before eventually becoming more peer
08: engineer.
09: Q. Great. When did you assume the role of
10: design engineer?
11: A. That's the title more recently, I'd say, in
12: the last year they've been referring to me
13: as. Before that, my business card said
14: electronics engineer and that was probably --
15: started around, I'd say, 2012.
16: Q. Okay. Very good.

Plaintiffs Objections 402 relevance; 403 waste of time:

17: And working as an engineer at
18: Extron, have you done that in a particular
19: division or is that sort of more generally?
20: A. I don't understand.

21: Q. Sure. Let me -- let me ask it differently.
22: Are there different divisions that
23: engineers are in at Extron? For instance,
24: you work on a certain product line and
25: somebody else works -- and a different

(continued page 00013)

0013

01: engineer works on a different product line?
02: A. It works out that way, that different
03: engineers work on different product lines,
04: but there's nothing official, and we at times
05: cross and work on other projects that we
06: don't normally work on.

07: Q. Okay. From your time at Extron, what product
08: lines have you worked on?

09: A. I've worked on a whole lot, so product lines
10: for customers like Chart, Schneider. I've
11: worked with our -- sort of our Legacy
12: products we've referred to, which are our
13: line of DC motor drives, and there's
14: certainly been other custom products for
15: other customers. I don't know that I can
16: recall every single one off the top of my
17: head.

18: Q. That's fine.

19: Was this a particular product or
20: products you worked on for Chart?

21: A. For Chart, I worked on their TEC 3000 units,
22: TEC 2000C, Vario PRO, and most recently the
23: MVE TS.

23: Q. Okay. Chart still makes the TEC 3000 -- or
24: excuse me, Extron still makes the Chart --
25: TEC 3000, right?

(continued page 00017)

0017

01: A. Yes.
02: Q. Okay. The -- do you know how many TEC 3000s
03: Extron has made?
04: A. I don't know specifically. I believe I've
05: heard around 20,000.
06: Q. Okay. And what I'm trying to get at is, do
07: you know if that number is all four of these
08: models of controller or is that just the
09: TEC 3000?
10: A. I don't know. The context I heard led me to
11: believe it was just the TEC 3000.
12: Q. Okay. Fair enough.

Plaintiffs Objections 402 relevance; 403 waste of time:

13: We're going to talk primarily here
14: about the design of the TEC 3000, both sort
15: of, like, the process for the design and also
16: the design itself, as well as any issues and
17: potential fixes that have arisen with it,
18: okay?
19: A. Okay.
20: Q. Did the TEC 3000 have a predecessor model?
21: A. Yes. Not designed by Extron. There's a
22: previous TEC 2000 unit. It was -- that the
23: design was based on.
24: Q. Okay. Do you know, is the -- does the
25: TEC 3000 differ in design in any way from the

(continued page 00018)

0018

01: TEC 2000?

02: A. The main differences I know of is TEC 3000

03: has a four-line LCD display; the TEC 2000 had

04: a two-line LCD display.

05: I believe the connections were

06: configured in a different manner, but mostly

07: had the same functionality.

08: And I believe the TEC 3000 had more

09: memory for storing events.

Page 00019

09: Q. Okay. Is there a user manual specifically

10: for the TEC 3000?

11: A. Yes.

12: Q. Okay. Did -- who drafted that user manual?

13: A. I know the user manual is kept and updated by

14: Chart. I'm not sure on the original origins

15: of it.

16: Q. Okay. Let me -- let me just ask a couple of

17: clarifying questions to see if --

Page 00020

02: Q. So the user manual for the TEC 3000, is that

03: a standalone user manual just for the

04: TEC 3000 or is it embedded in a broader user

05: manual?

06: A. It was just a standalone for the TEC 3000.

Plaintiffs Objections 602 speculation:

07: Q. Okay. Do you know if Extron had any say

08: in -- strike that.

09: Do you know if Extron played any

10: role in the drafting of that user manual?

11: A. I know they provided information that was
12: used in the manual. I'm not sure if any
13: Extron employees worked on the document.
14: Q. How do you know that Extron provided details
15: for that manual?
16: A. I guess that's a bit of an assumption based
17: on the type of data would have come from us.
18: Q. Okay.
19: A. That Chart wouldn't have known without
20: Extron's input.

Plaintiffs Objections 402 relevance; 403 waste of time:

21: Q. Okay. And so it's probably a fair point to
22: pause for a second and just say if you're
23: assuming something, which I totally get, just
24: let us know that as opposed to information
25: that you know for sure.

(continued page 00021)

0021

01: Does that make sense?
02: A. Yes.
Plaintiffs Objections 602 speculation; 402 relevance:
03: Q. Okay. And so what type of information is in
04: the TEC 3000 user manual that you assume came
05: from Extron?
06: A. Let's see, so there's descriptions of how
07: to -- or of the communications protocol, for
08: example, that would have been very precise on
09: various commands that could be sent to or
10: from the unit. So Extron would have provided
11: those specifics to make sure the commands
12: were relayed correctly.
13: Q. And if it was doing -- if Extron was doing
14: that for a user manual, do you know if sort

15: of the questions for the type of information
16: needed in that user manual would have come
17: from Chart or would have Extron just provided
18: that affirmatively?
19: A. I don't know.

Page 00021

21: I want to talk about -- do you know
22: what an FMEA is?
23: A. Yes.
24: Q. Okay. What is it?
25: A. I believe it stands for failure mode effects

(continued page 00022)

0022

01: analysis.
02: Q. Okay. Was an FMEA performed on the TEC 3000?
03: A. Yes.
04: Q. Who performed it?
05: A. It was performed by Extron, including myself
06: and my boss at the time, Carson Ripple, along
07: with several Chart employees.
08: Q. Where did it occur?
09: A. It occurred at Chart's facility in Ball
10: Ground, Georgia.
11: Q. When did it occur?
12: A. I believe it was in 2011.
13: Q. Okay. Why was an FMEA for the TEC 3000
14: performed in 2011?
15: A. I don't know.
16: Q. Do you know if that would have been something
17: that Chart requested was done or that Extron
18: wanted to do?
19: A. My assumption would be that Chart requested

20: it, as we typically wouldn't just do that
21: type of work without the customer's input or
22: request.
23: Q. Okay. And was -- do you know what a DFMECA
24: is?
25: A. DFMCA --

(continued page 00023)

0023

01: Q. MECA.
02: A. MECA? No, not exactly.
03: Q. Okay. Do you know what a DFMA is -- DFMEA
04: is?
05: A. Yes.
06: Q. What is that?
07: A. Design mode failure effects analysis, I
08: believe is what it stands for.
09: Q. Was a DFMEA ever conducted for the TEC 3000?
10: A. Yes. Now I'm thinking I might have been
11: confusing FMEA and DFMEA because I believe we
12: called our process an DFMEA and not just an
13: FMEA.
14: Q. Okay. Just so the record is clear on this,
15: when you were talking about an FMEA occurring
16: in -- I think you said 2011, you meant a
17: DFMEA?
18: A. Yes.
19: Q. Okay. Why -- why was an FMEA or a DFMEA not
20: performed on a TEC 3000 before it went out
21: into the field?
22: A. I don't know.
23: Q. Is that kind of -- have -- have you performed

24: FMEAs or DFMEAs on products before they're

25: put out into the field?

(continued page 00024)

0024

01: A. No.

02: Q. Okay. When you perform FMEAs or DFMEAs, is

03: that an -- at Extron, is that done pursuant

04: to a request from your customer or because

05: Extron wants to do it?

06: A. The only formal DFMEA I took part in was with

07: Chart, and I believe that was a request

08: involving Chart. We certainly would perform

09: that work at the request of another customer

10: as well.

11: Q. Okay. And I may have asked this, my

12: apologies if I did. Do you know why Chart

13: requested that the DFMEA occur?

14: A. No.

15: Q. Who at Extron would know that?

16: A. Presumably, I was informed about it by my

17: boss at the time, Carson Ripple, so I would

18: think -- I would assume he would know more

19: info.

20: Q. Did Extron perform any prerelease testing of

21: the TEC 3000?

22: A. I wasn't around at the time of prerelease,

23: but as far as I understand from records and

24: things, yes.

25: Q. What kind of testing?

(continued page 00025)

0025

01: A. So -- again, I don't know the specifics, but
02: in general for a product like that we would
03: test each feature as designed to ensure it's
04: working the way we intend it to.
05: Q. So I -- I understand from your answer
06: that's -- might be typically what is done at
07: Extron.
08: A. Uh-huh.
09: Q. Do you have any knowledge of that having been
10: done with regard to the TEC 3000?
11: A. I have no specific knowledge of that.

Plaintiffs Objections 402 relevance:

12: Q. Do you know what a daily tree analysis is?
13: A. Can you repeat that, please?
14: Q. Do you know what a daily tree analysis is?
15: A. No.
16: Q. Do you know what a DFMECA is?
17: A. No.
18: Q. Do you know if a DFMECA was performed for the
19: TEC 3000?
20: A. I don't know.

Page 00026

Plaintiffs Objections 402 relevance; 403 waste of time:

08: Q. Are there multiple versions of the TEC 3000?
09: A. Yes.
10: Q. How many?
11: A. I don't know the exact number. I believe
12: it's around six.
13: Q. Okay. And how were -- how is each one
14: different from the other?
15: A. So there's some differences. The two -- I
16: guess the three main model differences,

17: there's a text version, which just refers to
18: text on the buttons on the front plate so
19: they're labeled with their function text.
20: There's a symbolic version, which
21: the only difference is the front plate
22: buttons are labeled symbols instead of text.
23: Then there is a cabinet version,
24: which is the same internal parts
25: functionality but has different packaging so

(continued page 00027)

0027

01: the display and the control board are mounted
02: away from each other instead of in the same
03: enclosure, and I believe that can be either
04: symbolic or text version of that.
05: And then the other differences,
06: there's some other versions that have
07: specific branding, graphics on the faceplate.
08: So instead of having the Chart logo, it has
09: the logo of -- I don't recall the exact
10: logos, but some other logo that Chart
11: requested.
12: Q. Is it fair to say that the differences among
13: those six types of TEC 3000s are cosmetic?
14: A. Yes.
15: Q. Okay. They have the same internal parts,
16: correct?
17: A. Yes.
18: Q. And they have the same functionality?
19: A. Yes.
20: Q. Okay. Okay. When was the TEC 3000 designed?

21: A. I believe the -- the design of the TEC 3000
22: started in 2005.
23: Q. Okay. And has the design of the TEC 3000
24: changed in any way since its initial launch?
25: A. There have been some incremental changes to

(continued page 00028)

0028

01: the firmware and some incremental changes to
02: the hardware. The overall functionality has
03: remained consistent.
04: Q. Okay. What changes to the hardware have
05: there been?
06: A. There was certainly a few changes, I don't
07: remember each one specifically, where maybe a
08: an internal part was no longer available from
09: a supplier so an equivalent part was found,
10: tested, and replaced.
11: And what else to the hardware? Oh,
12: the style of buttons on the faceplate control
13: were changed from a membrane style to a push
14: button.
15: That's all the specifics I can
16: recall.
17: Q. Okay. Fair to say that there have been no
18: major changes to the hardware to the TEC 3000
19: since its launch?
20: A. Yes.

Page 00028

24: Q. And what changes to the firmware have there
25: been?

(continued page 00029)

0029

01: A. I don't recall specifics, but there were
02: certainly, you know, mostly some small
03: changes in the way, you know, specific how
04: the screen displayed information, clarifying
05: language.
06: There were changes over time in how
07: warnings, alarms were displayed and
08: additional ones added, I believe.

Plaintiffs Objections 403 confusing/misleading (function not present in controller at issue in this case); 402 relevance:

09: There were -- I'm just trying to
10: think of another -- specific one I can recall
11: was a change in the autofill function so that
12: it no longer filled when the unit thought
13: there was a level of zero, it required user
14: action to initiate a fill.
15: That's all the specifics I can
16: recall off the top of my head.

Page 00030

08: Q. Okay. And let me say it differently. This
09: would have been a better way to ask that.
10: The firmware change of how the
11: screen displays information, was that a
12: change that Chart requested?
13: A. Yes.
14: Q. The firmware change regarding how warnings or
15: alarms are displayed, was that a change that
16: Chart requested?
17: A. Yes.

Plaintiffs Objections 403 confusing/misleading (function not present in controller at issue in this case); 402 relevance:

18: Q. The firmware change with regard to the
19: autofill function, was that a change that

20: Chart requested?

21: A. Yes.

22: Q. Are those firmware changes that were made,

23: could those have been pushed out to the

24: machines that were still in the field?

25: A. Yes.

(continued page 00031)

0031

01: Q. And were they, in fact, pushed out to the

02: machines in the field?

Page 00031

05: THE WITNESS: I don't know if they

06: were pushed out to all of them. I'm aware of

07: certainly certain cases where they were.

Page 00031

10: Q. And in those cases that you're aware of, who

11: was it -- well, let me put it this way: Was

12: it Extron who pushed out those changes to the

13: units in the field?

14: A. No.

15: Q. Who was it?

16: A. I guess I don't -- Extron provided the new

17: firmware to Chart, and Chart had an

18: application that they could send that

19: application and the firmware to the customer,

20: and also I think Chart would update them, you

21: know, units -- they already had in their

22: facility at times before sending them.

23: Q. Right. And so for firmware changes, while

24: Extron may have made those changes so that

25: the new firmware could be pushed out to the

(continued page 00032)

0032

01: end users, it was ultimately up to Chart to

02: determine if it was going to do so?

03: A. It was up to Chart whether to release it or

04: not. I'm not sure who decided whether a

05: specific unit in the field got the update or

06: not.

07: Q. Okay. I appreciate that.

08: And just so I'm clear in my own

09: mind, Extron was not a party who actually

10: pushed out any of the firmware changes to

11: units in the field, correct?

12: A. Correct.

13: Q. If it was done, to the best of your

14: understanding, that was done by Chart?

15: A. Yes.

16: Q. Okay. I want to talk about the design of the

17: TEC 3000. That occurred before you

18: personally, Mr. Mueller, before you joined

19: Chart -- or Extron, correct?

20: A. Yes.

21: Q. Okay. But because you're speaking on behalf

22: of Extron, I want to ask you some questions,

23: and now when I'm saying, "You," I'm talking

24: about Extron, okay?

25: A. Okay.

Page 00033

01: Q. Did Extron -- are there specifications for

02: which the TEC 3 -- from which the TEC 3000

03: was originally made?

04: A. As far as the functionality of the TEC 2000,
05: I know that was specification worked off of;
06: other than that, I don't know.
07: Q. Let me put it this way: So Chart says we
08: want to make a controller that does A, B, and
09: C, correct?
10: A. Correct.
11: Q. Okay. Extron doesn't decide what A, B, and C
12: are, right?
13: A. Correct.
14: Q. Okay. It's then Extron's job to figure out
15: how to build a controller that will satisfy
16: functions A, B, and C, correct?
17: A. Yes.
18: Q. Okay. Does Chart tell Extron how to make
19: that happen, or does Extron come up with the
20: details of how to make the machine?
21: MR. SMITH: Calls for speculation.
22: THE WITNESS: So that would be
23: Extron -- so Chart would provide the -- what
24: they wanted to do, how they wanted to do it,
25: possibly form factor, things like that.

(continued page 00034)

0034

01: Extron would make the decisions
02: internally how to make those designs come to
03: reality.
04: MR. WOLF: Okay.
05: BY MR. WOLF:
06: Q. And going forward, if there was a change to
07: the design of the TEC 3000, Extron would do

08: that only if Chart said -- if Chart gave the
09: go ahead to do it, correct?
10: A. Correct.

Page 00112

23: Q. If the controller were reading the liquid
24: level of zero, should that sound the alarm?
25: A. In most cases, yes. I'm trying to think. I

(continued page 00113)

0113

01: don't -- I don't recall off the top of my
02: head if there's a way to set the alarm set
03: point down to zero. I believe that's no -- I
04: don't recall that for a hundred percent, but
05: under normal circumstances, zero would be an
06: alarm.
07: Q. Okay. And if your customer and even though
08: the liquid level is not zero but it's reading
09: at zero, the controller is reading it as
10: zero, and the alarm was going off, what is
11: the customer left to do?

Page 00113

22: Q. Technically. I mean, as a technical matter
23: working with the controller, what are the
24: customer's options?
25: MR. HOLDER: Same objections.

(continued page 00114)

0114

01: THE WITNESS: So in the case that
02: it's reading zero, doesn't but they know it's
03: not zero, I suppose they could try to
04: recalibrate the level on the unit.

05: BY MR. WOLF:
06: Q. Okay. And you can do that through the
07: controller?
08: A. Yes.
09: Q. Okay. And when it was experiencing this
10: problem with the static shock, were those
11: subject to re -- could those be recalibrated
12: at the facility?

Page 00114

17: THE WITNESS: I recall some cases
18: where it was reported that a unit serial
19: number zero, there's a recalibration
20: attempted but it failed.
21: MR. WOLF: Okay.
22: BY MR. WOLF:
23: Q. Are you aware of any time that the static
24: shock issue happened, okay, and the end user
25: was able to recalibrate it at the facility

(continued page 00115)

0115

01: right then and there?
02: A. I don't recall hearing about a unit like
03: that.
04: Q. Okay. And so if they couldn't recalibrate
05: it, okay, what was the customer left to do?

Page 00115

08: THE WITNESS: I would guess they
09: would contact Chart for technical support.
10: MR. WOLF: Okay.
11: BY MR. WOLF:
12: Q. But as a technical matter working with the

13: controller, what would the customer's options

14: be?

Page 00115

18: THE WITNESS: The only thing I can

19: guess they could do would be to manually

20: monitor the unit for its level.

21: BY MR. WOLF:

22: Q. And turn off the alarm?

23: MR. HOLDER: Is that a question?

24: BY MR. WOLF:

25: Q. Could they turn off the alarm, is my

(continued page 00116)

0116

01: question.

02: A. They could for sure mute it for a certain

03: amount of time.

04: Again, I don't recall if that -- if

05: a low-level alarm, if there's a way to figure

06: the settings such that it wouldn't show up

07: again, but if they muted it, it would come

08: back.

09: Q. How long after?

10: A. I believe it's after 30 minutes.

11: Q. Okay. I guess another option would be they

12: can just unplug the controller, correct?

13: A. I would guess that's --

14: MR. HOLDER: Calls for

15: speculation.

16: THE WITNESS: -- someone could

17: choose to unplug the controller any time they

18: wanted to.

19: BY MR. WOLF:
20: Q. Okay. So I'm just trying to figure out if
21: you're the end user here and this has
22: happened, right, it seems like your realistic
23: options are, you can press the mute button
24: for the alarm, but then it's just going to
25: come back every 30 minutes, right?

(continued page 00117)

0117
01: A. Uh-huh.
02: Q. Or you can unplug the controller, right?
03: Are there any other options?
04: MR. SMITH: Misstates testimony.
05: THE WITNESS: Just listen to the
06: alarm.

Page 00127

Defense Objections See Objection to Trial Exhibit 284 (Doc. 783-1); inadmissible other occurrence evidence not previously ruled on; not substantially similar; FRE 403/802/803:

12: Q. Exhibit 20, starting with Bates stamp 290.

Page 00127

Defense Objections See Objection to Trial Exhibit 284 (Doc. 783-1); inadmissible other occurrence evidence not previously ruled on; not substantially similar; FRE 403/802/803:

18: Q. This is just an offshoot of this e-mail
19: thread, right? We've seen the bottom e-mail
20: here from Brendon Wade about those two more
21: TEC 3000s.
22: A. It looks the same. I guess I didn't memorize
23: serial numbers. It had the other one, but
24: yeah.
25: Q. And here, Ramon Gonzalez of Chart wrote to

(continued page 00128)

0128
01: you, right?

02: A. Yes.

03: Q. "We just lost a large" quality -- "quantity

04: of freezer sales in Europe because of

05: TEC 3000 issue."

06: Do you remember receiving this?

07: A. Specifically, no, but it seems familiar.

08: Q. Okay. What was the TEC 3000 issue?

09: A. I assume the issue he's talking about is the

10: one that caused the serial number to drop to

11: zero.

12: Q. Okay. And just to be clear, that's the one

13: that Extron believed was due to static shock,

14: correct?

Page 00128

17: THE WITNESS: Static shock was one

18: way we replicated that issue in our testing.

19: BY MR. WOLF:

20: Q. And, in fact, that's the only way it

21: replicated the issue in the testing, correct?

22: A. That we replicated that, yes.

Defense Objections See Objection to Trial Exhibit 284 (Doc. 783-1); inadmissible other occurrence evidence not previously ruled on; not substantially similar; FRE 403/802/803:

23: Q. Okay. Now, Chart hierarchy needs an answer

24: urgently why this is occurring. So needless

25: to say, this has turned into a high priority.

(continued page 00129)

0129

01: Now, this was written in July of 2015, right?

02: A. Yes.

Page 00129

04: of your controller -- Ramon said. I'm sorry,

05: let me just ask this question again, strike

06: that.

07: Ramon from Chart says, "We need to

08: know results of your controller evaluation on
09: the sudden level drop to zero and why the
10: serial number disappears. Download will also
11: show random," and then those numbers and it's
12: log.
13: Now, this is a different set of
14: numbers, isn't it? This is 255, 255, 0000.
15: A. Yes.
16: Q. That's different from what we saw before,
17: wasn't it?
18: A. One of them is, yes.
19: Q. Yup. That 0000 number is different, right?
20: A. Yes.
21: Q. Okay. This seems to indicate that Extron had
22: already conducted a controller evaluation, so
23: I want to ask about that.
24: At this point, in July of 2015, had
25: Extron conducted a controller evaluation to

(continued page 00130)

0130

01: figure out this issue of the drop in levels?
02: A. I know our production team had certainly
03: gotten controllers back with those issues,
04: ran them through the testing.
05: I don't recall if at this time
06: anything beyond that had been done.
07: Q. Okay. When did Extron start running tests
08: regarding high-voltage transient events?
09: A. As related to TEC 3000, Extron did that -- I
10: believe there was some of that done of a
11: different nature during the original
12: development of it.

13: I'm trying to think. Oh, that was
14: done by Extron. That was done by an external
15: testing facility, sorry.
16: So Extron, our first time I'm aware
17: of, was in -- would have been around 2018
18: that we did the -- no, that was -- with the
19: ESD specifically. You asked about
20: high-energy transients.
21: I believe earlier in 2018, and I
22: don't recall the year [sic], we did
23: conduct -- tried to use a spark gap to induce
24: noise near TEC 3000 to try and replicate the
25: issue.

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0131

01: Q. And that was done sometime prior to 2018?
02: A. Yes.
03: Q. Where was that done?
04: A. That was done at Extron.
05: Q. Which facility?
06: A. In our Plymouth facility.
07: Q. Is that in Minnesota?
08: A. Yes.
09: Q. Okay. And that testing was done in response
10: to the complaints received regarding the
11: serial number and level issues, correct?
12: A. I -- I don't recall. I remember the testing
13: being done, and I don't believe we replicated
14: whatever issue we were looking for at the
15: time. I don't recall what exactly prompted
16: it.

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22: Q. Do you believe that firmware issues were, in
23: fact, contributing to the static shock issue?
24: A. I believe it was the firmware that created
25: some of the specific symptoms the way the

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0178

01: firmware reacted to the static event.
02: Q. But it wasn't -- my understanding that --
03: well, do you believe that the firmware caused
04: the controller to have too much voltage going
05: through it?
06: A. No.
07: Q. Okay. And did the firmware exacerbate the
08: consequences of too much voltage going
09: through the controller?
10: A. No.
11: Q. So I'm -- now I'm confused.
12: How was the firmware involved in
13: this at all.
14: A. So our understanding with the issue we saw
15: the ESD event would cause basically random
16: values to be assigned to certain memory
17: locations, that could be any value. The
18: firmware would detect those values and then
19: reset to a default state to correct those
20: out-of-range values, and the default state
21: was serial number zero, because by default,
22: they're not assigned a serial number until
23: they're assigned it.